

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed November 28, 2005. Claims 1-25, 27-28, 30-46, 48-49 and 51-70 remain pending. Claims 26, 29, 47 and 50 have been canceled without prejudice, and claims 68-70 have been added. Reconsideration and reexamination are respectfully requested.

In paragraph 9 of the Final Office Action, claims 1-3, 5-14, 16-26, 29-40, 42-43, 45-47, 50-54, 57, 59-61 and 63 are rejected as being anticipated by Hoog et al. (2004/0193324). In response to Applicants previous arguments, the Examiner states that neither claim 1 or 33 actually requires that a user indicate that the parameter modification is complete, but "only allowing a user to indicate that parameter modification is complete" as in claim 1. The Examiner states that the claims thus only require that the user be allowed (not prevented or restrained) from indicating parameter modification is complete. Further, the Examiner states that the type of indication of the end of modification, as in claims 1 and 33, is not specified and as such the indication can be nothing more than stopping input of modified parameters or simply telling an on-looker that modifications are complete, since the interface is not even required to be used for this indication. Finally, the Examiner states that claims 1 and 33 do not specifically require that the steps be performed in a certain order but only that the steps be performed.

Applicants respectfully disagree with the Examiner that claims 1-3, 5-14, 16-26, 29-40, 42-43, 45-47, 50-54, 57, 59-61 and 63 are anticipated by Hoog et al., for a variety of reasons. However, to move prosecution along, claim 1 has been amended as follows:

1. (currently amended) A method of modifying one or more parameters of a programmable HVAC controller, the HVAC controller having a user interface, the method comprising steps of:
accepting a first input from ~~allowing a user via the user interface to~~ modify at least one of the one or more parameters ~~via the user interface;~~
accepting a second input from the ~~allowing a user via the user interface~~ that to indicate indicates to the HVAC controller that parameter modification is complete;
~~saving the at least one modified parameter; and~~

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after the second input is accepted, providing an indication a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved; and saving the at least one modified parameter.

As can be seen, claim 1 recites the steps of accepting a first input from a user via the user interface to modify at least one of the one or more parameters; accepting a second input from the user via the user interface that indicates to the HVAC controller that parameter modification is complete; after the second input is accepted, providing a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved; and saving the at least one modified parameter.

Hoog et al. do not appear to teach such a method. For example, and among other things, Hoog et al. do not appear to disclose, teach or suggest providing a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved after the second input is accepted. In Hoog et al., the alleged confirmation message appears to be an audible message (see, for example, [0064-0065], which the Examiner references in the Final Office Action]. Nor do Hoog et al., or any other of the art cited by the Examiner, appear to provide any suggestion or motivation for providing a visually perceptible confirmation message after a second input is accepted. For these and other reasons, claim 1, as amended, is believed to be clearly patentable over Hoog et al. For similar and other reasons, claims 2-25, 27-28, 30-46, 48-49 and 51-69 as amended are also believed to be clearly patentable over Hoog et al.

In paragraph 11 of the Final Office Action, claims 1-3, 5, 6, 8-14, 16-19, 24, 26-28, 30-40, 42, 47-49, 51-55, 57-58, 60-61 and 63 are rejected as being anticipated by Cottrell (US 2002/0005435). Applicants respectfully disagree with the Examiner that claims 1-3, 5, 6, 8-14, 16-19, 24, 26-28, 30-40, 42, 47-49, 51-55, 57-58, 60-61 and 63 are anticipated by Cottrell, for a variety of reasons. However, to move prosecution along, and as indicated above, claim 1 has been amended as follows:

1. (currently amended) A method of modifying one or more

parameters of a programmable HVAC controller, the HVAC controller having a user interface, the method comprising steps of:

accepting a first input from ~~allowing a user via the user interface to~~
modify at least one of the one or more parameters ~~via the user interface;~~
accepting a second input from the ~~allowing a user via the user interface~~
that to indicate indicates to the HVAC controller that parameter modification is
complete;
~~saving the at least one modified parameter; and~~
after the second input is accepted, providing an indication a visually
perceptible confirmation message to the user via the user interface that indicates
the one or more modified parameters have been or will be saved; and
saving the at least one modified parameter.

As can be seen, claim 1 as amended recites the steps of: (1) accepting a first input from a user via the user interface to modify at least one of the one or more parameters; (2) accepting a second input from the user via the user interface that indicates to the HVAC controller that parameter modification is complete; (3) after the second input is accepted, providing a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved; and saving the at least one modified parameter.

The Examiner specifically cited to paragraph [0027] and Figures 6a-6d of Cottrell as providing a notification to the user via the interface that the one or more modified parameters have been or will be saved. However, Cottrell appears to teach a controller that provides an immediately perceptible confirmation of the settings input by the user. See paragraph [0027]. Cottrell also appears to teach that after every setting is made and displayed, the user verifies it and confirms it, apparently by looking at the screen. See paragraph [0042]. Cottrell does not appear to teach a controller or method in which the user is allowed to indicate that parameter modification is complete, and then provide a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved. More specifically, Cottrell does not appear to show or suggest providing a visually perceptible confirmation message after a second input is accepted, and more particularly, a visually perceptible confirmation message that indicates the one or more modified parameters have been or will be saved. For these and other reasons, claim 1 is believed to be clearly

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patentable over Cottrell. For similar and other reasons, claims 2-25, 27-28, 30-46, 48-49 and 51-69 as amended are also believed to be clearly patentable over Cottrell.

In paragraph 13 of the Final Office Action, claims 4 and 56 are rejected as being obvious over Cottrell in view of Rosen (2003/0142121). For the reasons given above, as well as other reasons, claims 4 and 56 are believed to be clearly patentable over Cottrell in view of Rosen.

In paragraph 14 of the Final Office Action, claims 1-3, 5, 6, 8-14, 16-19, 24, 26, 30-40, 42, 47, 48, 51-52, 60-61 and 63 are rejected as being anticipated by the Braeburn Model 5000 owners manual. Applicants respectfully disagree with the Examiner that claims 1-3, 5, 6, 8-14, 16-19, 24, 26, 30-40, 42, 47, 48, 51-52, 60-61 and 63 are anticipated by the Braeburn Model 5000 owners manual, for a variety of reasons. However, to move prosecution along, and as indicated above, claim 1 has been amended as follows:

1. (currently amended) A method of modifying one or more parameters of a programmable HVAC controller, the HVAC controller having a user interface, the method comprising steps of:
accepting a first input from ~~allowing~~ a user via the user interface to
modify at least one of the one or more parameters ~~via the user interface;~~
accepting a second input from the ~~allowing~~ a user via the user interface
~~that to indicate~~ indicates to the HVAC controller that parameter modification is
complete;
~~saving the at least one modified parameter; and~~
after the second input is accepted, providing an indication a visually
perceptible confirmation message to the user via the user interface that indicates
the one or more modified parameters have been or will be saved; and
saving the at least one modified parameter.

The Braeburn model 5000 owners manual does not appear to teach or suggest a method that would allow a user to indicate that parameter modification is complete. Further, the Braeburn model 5000 owners manual does not appear to teach or suggest providing a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved after a second input is accepted. For these and other reasons, claim 1 as amended is believed to be clearly patentable over the Braeburn model 5000 owners manual. For similar and other reasons, claims 2-25, 27-28, 30-46, 48-49 and 51-69 as

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amended are also believed to be clearly patentable over the Braeburn model 5000 owners manual.

In paragraph 15 of the Final Office Action, claims 1-6, 8-14, 16-19, 24-28, 33-40, 42, 47-49, 53-58, 60-61 and 63 are rejected as being anticipated by the Rite Temp 8082 disclosure. Applicants respectfully disagree with the Examiner that claims 1-6, 8-14, 16-19, 24-28, 33-40, 42, 47-49, 53-58, 60-61 and 63 are anticipated by the Rite Temp 8082 disclosure, for a variety of reasons. However, to move prosecution along, and as indicated above, claim 1 has been amended as follows:

1. (currently amended) A method of modifying one or more parameters of a programmable HVAC controller, the HVAC controller having a user interface, the method comprising steps of:
 - accepting a first input from ~~allowing~~ a user via the user interface to modify at least one of the one or more parameters ~~via the user interface~~;
 - accepting a second input from the ~~allowing~~ a user via the user interface ~~that to indicate~~ indicates to the HVAC controller that parameter modification is complete;
 - ~~saving the at least one modified parameter; and~~
 - after the second input is accepted, providing an indication a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved; and
 - saving the at least one modified parameter.

The Rite Temp 8082 disclosure does not appear to teach or suggest a method that would allow a user to indicate that parameter modification is complete. Further, the Rite Temp 8082 disclosure does not appear to teach or suggest providing a visually perceptible confirmation message to the user via the user interface that indicates the one or more modified parameters have been or will be saved after a second input is accepted. For these and other reasons, claim 1 as amended is believed to be clearly patentable over the Rite Temp 8082 disclosure. For similar and other reasons, claims 2-25, 27-28, 30-46, 48-49 and 51-69 as amended are also believed to be clearly patentable over the Rite Temp 8082 disclosure.

Finally, new claim 70 recites:

70. (new) A method of modifying one or more parameters of a

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programmable HVAC controller, the HVAC controller having a user interface, the method comprising steps of:

accepting one or more parameter changing inputs from a user via the user interface to modify at least one of the one or more parameters;

after each parameter changing inputs is accepted, not providing an indication to the user via the user interface that indicates the one or more modified parameters have been or will be saved;

accepting a parameter modification complete input from the user via the user interface that indicates to the HVAC controller that parameter modification is complete; and

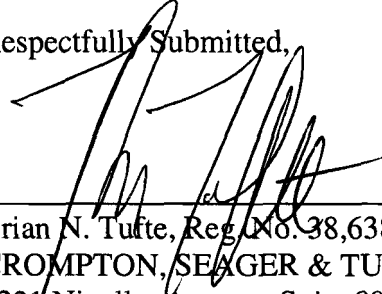
after the parameter modification complete input is accepted, providing an indication to the user via the user interface that indicates the one or more modified parameters have been or will be saved.

As can be seen, new claim 70 recites: (1) after each parameter changing inputs is accepted, not providing an indication to the user via the user interface that indicates the one or more modified parameters have been or will be saved; and (2) after the parameter modification complete input is accepted, providing an indication to the user via the user interface that indicates the one or more modified parameters have been or will be saved. None of the art cited by the Examiner appears to show such a method. Note, in Hoog et al., when voice assistance is selected, "each programming step will be announced to the user" (see, for example, paragraph [0064]). Also, the other art of record does not appear to make a distinction between parameter changing inputs and a parameter modification complete input, and only providing an indication to the user via the user interface that indicates the one or more modified parameters have been or will be saved after the parameter modification complete input is accepted. For these and other reasons, new claim 70 is believed to be clearly in condition for allowance.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims 1-25, 27-28, 30-46, 48-49 and 51-70 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brian N. Tufte', is written over a horizontal line.

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